

From: (b)(6)
To: [Tanner, Lori](#)
Subject: RE: Following up on Henderson County letter re: Iron River Ranch #2 LLC
Date: Wednesday, May 04, 2022 3:24:00 PM
Attachments: (b)(6)

I've seen it. I sent a C&D back in March and have had numerous conversations with the ones who reported it, the landowners attorney, and their newly hired consultant (Lance Jones). I haven't heard from Lance lately but he's a reliable person and I'm sure is working on gathering information to prepare something for us to review. TPWD went out 2 weeks ago looking for mussels, but I haven't heard back from Tom Heger yet on those results.

The landowner initially stated an ag exemption as reason for his work, but I relayed the exemption regs to his attorney and shortly after they hired Lance. I know Lance is wanting me to conduct a site visit and if you're up for one, I'll set it up.

(b)(6)

-----Original Message-----

From: Tanner, Lori <tanner.lori@epa.gov>
Sent: Wednesday, May 04, 2022 3:11 PM
To: (b)(6) @usace.army mil>
Subject: [Non-DoD Source] Following up on Henderson County letter re: Iron River Ranch #2 LLC

Hi (b)(6)! When I got to the office today, I saw I had been copied on a letter from Henderson County Judge Wade McKinney notifying a Mr. Surls that he may have violated 404 when not complying with their floodplain development permit. You are also on the CC list so I was just wondering if you had seen it and what you thought?

Thanks,

Loribeth Tanner

Enforcement Officer and Physical Scientist

Water Resources Section (ECD-WR)
US Environmental Protection Agency - Region 6
Phone: (214)665-8153



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

March 8, 2022

Regulatory Division

SUBJECT: Project Number SWF-2022-00119, CEASE AND DESIST ORDER
Trinidad Texas

Mr. Philip Sorls
Iron River Ranch LLC
P.O. Box 578
Malakoff, Texas 75148

Dear Mr. Sorls:

Based on information provided to this office, it appears that an unauthorized discharge of dredged or fill material has occurred into Creslenn Ranch Lake on property located south of Trinidad, Henderson County, Texas (32.0904, -96.0736). The discharge of these materials into waters of the United States, including wetlands, is a violation of Section 301(a) of the Clean Water Act unless authorized by a Department of the Army permit issued under Section 404 of that Act. This project has been assigned Project Number SWF-2022-00119. Please include the project number in all future correspondence concerning this matter.

The work referred to above has occurred in waters subject to Section 404 statutory requirements without the requisite permit. We have received information in this office that indicates that you are a responsible party for this work, either as a property owner or person performing or causing the performance of this work. By regulation, the U.S. Army Corps of Engineers (USACE) is required to issue you this cease and desist order and you must halt any further unauthorized work in waters of the United States, including wetlands.

Legislation provides for administrative fines as well as civil or criminal penalties for violations of the Clean Water Act. These penalties, which are usually reserved for uncooperative, recalcitrant, or repeat violators, can result in significant fines and/or imprisonment. If further work is performed after receipt of this cease and desist order, the USACE may seek immediate legal action to halt such activity.

We request that you acknowledge receipt of this letter by March 18, 2022, comply with its terms, and provide information concerning the need for this work and the history of your activity (eg: when did the work commence and when was it completed). Your submittal must include information on the timing, method of placement, composition, quantity, dimensions, and locations of the discharge and associated work. You may include any other information you deem pertinent to our investigation. In addition, we may solicit comments from appropriate federal and state agencies in order to better evaluate this activity.

We look forward to your cooperation in this matter and hope to reach a resolution of your case in the near future. If you have any questions concerning this matter, please refer to our website at <http://www.swf.usace.army.mil/regulatory> or contact (b)(6) at the address above or telephone (b)(6).

Sincerely,

for Brandon W. Mobley
Chief, Regulatory Division

Copies Furnished:

Mr. Tom Nystrom
U.S. Environmental Protection Agency

Ms. Loribeth Tanner
U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service
Arlington Office

Ms. Beth Bendik
Texas Parks and Wildlife Department

Mr. Tom Heger
Texas Parks and Wildlife Department

Mr. David Galindo
Texas Commission on Environmental Quality